

Appln. No.10/687,385

Attorney Docket No. 10541-1839

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 1-3, 5-9 remain pending.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-2, 4-7 and 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,085,193 to Morikawa (Morikawa) in view of U.S. Patent 5,715,797 to Minagawa, et al. (Minagawa).

Claims 1 and 6 recite "wherein the pump output is substantially constant" indicative of a mechanical returnless fuel system. Applicant respectfully submits that Morikawa teaches a mechanical returnless fuel system where the fuel pressure is controlled based on a solenoid operated valve. However, Minagawa teaches an electrical returnless fuel system where the fuel pressure is not controlled by a regulator valve but by changing the pump output. These designs function quite differently using distinct hardware and methodology to control the pressure of fuel supplied to the fuel injector.

Minagawa, clearly, does not teach the pump output being constant. As noted by the examiner, Minagawa teaches increasing the current thereby increasing the pump output to control the fuel pressure provided to the fuel injector. Therefore, Minagawa cannot be combined with Morikawa to teach or suggest the present invention according to claims 1 and 6 where the pump output is substantially constant. Claims 2, 4, 5, 7, and 9-10 depend from claims 1 and 6, and are,

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therefore, patentable for at least the same reasons as given above in support of claims 1 and 6.

Claims 3 and 8 were rejected under 35 U. S.C. §103(a) as being unpatentable over Minagawa and Morikawa as applied to claims 1 and 6 above, and further in view of U.S. Patent 6,701,905 to Gaskins (Gaskins).

Claims 3 and 8 depend from claims 1 and 6 respectively, therefore, claims 3 and 8 are patentable for at least the same reasons as given above in support of claims 1 and 6. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date


Robert K. Fergan (Reg. No. 51,674)